

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

JEFFERY WAYNE SELLERS *

And ANGELA C. NEWMAN-SELLERS, *

PLAINTIFFS, *

v. *

AUTO-OWNERS INSURANCE *

COMPANY and GEICO CASUALTY *

COMPANY, *

DEFENDANTS. *

CIVIL ACTION NO:

DEMAND FOR JURY TRIAL

COMPLAINT

COME NOW, Jeffery Wayne Sellers and Angela Newman-Sellers, Plaintiffs' in the above styled cause, and plead their complaint to this Honorable Court as follows:

JURISDICTION AND VENUE

1. Jeffrey Wayne Sellers and Angela Newman-Sellers are adult resident citizens of McCalla located in Jefferson County, Alabama. Jeffrey Wayne Sellers was severely injured in an automobile collision that occurred on or about October 22, 2017, in the City of Woodstock located in Tuscaloosa County, Alabama. Angela Newman-Sellers is his wife.

2. The Defendant Auto-Owners Insurance Company is a resident citizen of the State of Michigan by virtue of it being a Michigan company and of having its

headquarters located in the State of Michigan. Further, upon information and belief, Defendant Auto-Owners Insurance Company is licensed to issue policies of insurance and transact business in the State of Alabama.

3. The Defendant Geico Casualty Company is a resident citizen of the State of Maryland by virtue of having its statutory home office located in Chevy Chase, Maryland. Further, upon information and belief, Defendant Geico Casualty Company is licensed to issue policies of insurance and transact business in the State of Alabama.

4. This court has diversity jurisdiction under 28 U.S.C. § 1332 since all plaintiffs are diverse from all defendants and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

5. Venue is proper in the United States District Court from the Northern District of Alabama under 28 U.S.C. § 1391(b)(2) because the automobile wreck in which Mr. Sellers was injured occurred in Tuscaloosa County, Alabama. Thus, the Northern District of Alabama, Western Division, is the district where a substantial part of the events or omissions giving rise to the claim occurred.

STATEMENT OF FACTS

6. On or about, October 22, 2017, Jeffery Wayne Sellers was driving a 2004 FRHT M2 106 wrecker vehicle owned by McKinney Wrecker in Woodstock in Tuscaloosa, Alabama. While he was stopped at a stop sign at the intersection of

Alabama Highway 5 and County Road 12, a 2005 Hyundai Santa Fe driven by Nicole Cooke Cason and owned by Pete Armstrong slammed into the driver's side door of the Sellers vehicle. At the time of the collision, Nicole Cooke Cason was operating the 2005 Hyundai Santa Fe in a negligent, reckless, and/or wanton manner. She was the sole cause of the automobile wreck.

7. Immediately following and as a proximate result of the motor-vehicle collision, Jeffery Wayne Sellers was transported via ambulance to the Trauma Unit of UAB Hospital for severe debilitating and permanent injuries including but not limited to, cervical and vertebral fractures, severe lung injuries, bilateral shoulder blade pain, weakness and loss of feeling in both of his hands, in addition to further pain and suffering. Further, his body was bruised, contused, battered and made sore. Moreover, as a proximate result of his injuries, he was caused to incur medical, hospital, pharmacy, and rehabilitation bills and will continue to do so in the future.

COUNT I: CLAIM FOR UNDERINSURED MOTORIST BENEFITS

8. At the time of the accident, Jeffery Wayne Sellers was an insured for uninsured/underinsured motorist coverage purposes on a policy issued by Auto-Owners to McKinney Wrecker pursuant to policy number: 9667173300. He also was an insured for uninsured/underinsured motorist coverage purposes on a policy issued by Geico to himself, pursuant to policy number: 4466882438.

9. Jeffery Wayne Sellers' damages far exceed the amount of liability coverage available under all policies covering Ms. Cason, making her an underinsured motorist under the terms of both the Auto-Owners and Geico policies. Auto-Owners and Geico stand in the shoes of Ms. Cason and are liable to Jeffery Wayne Sellers for the full cost of his injuries, medical treatment, and pain and suffering as provided for under the underinsured motorist provision benefits in the insurance policies of both Auto-Owners and Geico.

WHEREFORE, Plaintiffs' demand judgement against the Defendants, Auto-Owners Insurance Company and Geico Casualty Company for compensatory and punitive damages in an amount that would be mete, just and proper under the circumstances.

COUNT TWO: LOSS OF CONSORTIUM

10. Plaintiffs reaffirm and reallege all of the preceding paragraphs as if set out in full herein.

11. As a result of the injuries to Jeffery Wayne Sellers outlined in the paragraphs above as a result of the negligent, reckless, and/or wanton conduct of Nicole Cason, his wife, Angela C. Newman-Sellers was caused to lose the services of her husband and was further caused to lose consortium with her husband.

WHEREFORE, Plaintiffs' demand judgement against the Defendants, Auto-Owners Insurance Company and Geico Casualty Company for compensatory and

punitive damages in an amount that would be mete, just and proper under the circumstances.

DONE on this the 20th day of February, 2018.

Respectfully submitted,

/s/ Larry W. Morris

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ASB-1192-R80L

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